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In the United States Patent and Trademark Office

Appeal No: 2005-0378
Serial No: 09/232,566
Confirm No: 1686
Appn Filed: 01/15/99
Applicant: Rolf Jansen
Appn Title: Tractor/Trailer Back-up Kit
Examiner/GAU: Tung Vo/2613

Mailed: 10/26/06
At: Houston, Texas

SUBMITTAL OF PETITION TO WITHDRAW AN APPLICATION FROM ISSUE
TO: Director, Technology Center 2600
Sir:

The appellant, Rolf Jansen, pro se, files the attached
Petition To Withdraw An Application From Issue, in accordance
with 37 CFR Sect 1.313(a), in response to the Notice Of Allow-
ance And Fee(s) Due, 6 pages, mailed 09/15/2006. Appellant
has not paid the utility issue fee. Check for \$130.00, the
fee for filing this Petition, is enclosed.

11/01/2006 MBIZUNES 00000055 09232566
Very respectfully, 130.00 OP
Rolf Jansen
Rolf Jansen, appellant, pro se
P.O. Box 73161
Houston, TX 77273-3161
281-440-6907

Certificate of Mailing

I certify that this correspondence will be deposited with the
United States Postal Service as first class mail with proper
postage affixed in an envelope addressed to: "Mail Stop
Petitions, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450" on the date below.

Date: 10/26/06 *Rolf Jansen*
Rolf Jansen, appellant, pro se

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in the United States Patent and Trademark Office

Appeal No: 2005-0378
Serial No: 09/232,566
Confrm No: 1686
Appn Filed: 01/15/99
Applicant: Rolf Jansen
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At: Houston, Texas

PETITION TO WITHDRAW AN APPLICATION FROM ISSUE

TO: Director, Technology Center 2600

Sir:

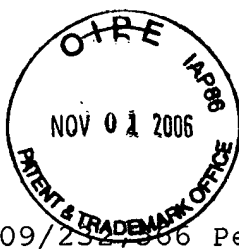
The appellant, Rolf Jansen, pro se, submits this Petition To Withdraw An Application From Issue, in accordance with 37 CFR Sect 1.313(a), in response to the Notice Of Allowance And Fee(s) Due, 6 pages, in two 3 page parts, mailed 09/15/06. (Copy of said Notice Of Allowance is attached as Exhibit 1.) Appellant has not paid the utility issue fee.

PETITION TO MAKE SPECIAL

Petition To Make Special, for reason IV-Applicant is over 65 years of age, was granted on 09/27/04, by the Director Office, Technology Center 2600. Applicant/appellant is now age 73. (Copy of the Decision on Petition is attached as Exhibit 2.)

REASON FOR PETITION TO WITHDRAW AN APPLICATION FROM ISSUE

In the examiner's response to the appellant's Amended 2nd Supplemental Appeal Brief, he allowed claim 3 but amended claim 4 before allowing it. (Copy of examiner's response, mailed 09/15/06, including Examiner's Amendment, is attached, as the second 3 page part of Exhibit 1.)



Appn 09/2347306 Petition To Withdraw An Application From Issue 2

The amendment limits the claim to a license plate. This limitation takes away the other embodiments that are clearly stated in the specification. The appellant will point these out in the Argument section of this Petition. When the appellant loses the other embodiments, someone else can easily employ one or more of them to evade the claim.

The appellant does not accept the Examiner's Amendment of claim 4. He, therefore, submits this Petition To Withdraw An Application From Issue. Because he seeks one patent containing claims 3 and 4, appellant's Petition herewith pertains to both claims.

The Examiner's Amendment of claim 4, mailed 09/15/06, **continues** his rejection of the wording of claim 4, first begun in the Office Action, of 06/22/05, to which the appellant responded by requesting reinstatement of the appeal and submitting his brief.

The proper procedure now is for the appellant to submit a reply brief to continue the appeal to the Board of Patent Appeals and Interferences. The appellant plans to file a reply brief within the allowed two months time (from 09/15/06).

Here is what the examiner said in the Office Action, of 06/22/05, in rejecting claim 4. (Copy of the Office Action is attached as Exhibit 2.)

"2. The following is a quotation of the second paragraph of U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

"3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"4. Regarding claim 4, line 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP Section 2173.05(d).

"Claim 4, Line 8, "the ideal position" is indefinite. It is not clear that which position of the camera is mounted. Appropriation correction is required.

"7. Claim 4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action."

ARGUMENT

The appellant quotes from Manual of Patent Examining Procedure, Section 2173.02, on page 2100-199. Copy is attached as Exhibit 3. This is not a new reference. It was used as Exhibit 10 in the Amended 2nd Supplemental Appeal Brief. The quotation begins at line 12, 2nd column:

"The mere use of the phrase "such as" in the claim does not by itself render the claim indefinite. Office policy is not to employ per se rules to make technical rejections. Examples of claim language which have been held to be indefinite set forth in MPEP Section 2173.05(d) are fact specific and should not be applied as per se rules. The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification."

What the appellant is going to do is give some quotes from the specification, then state the appellant's version of claim 4. The question will then be: Would those skilled in the art understand what is claimed when the claim is read in the light of the specification?

Copies of pages from the specification, including pages 35, 36, 14, and 31, are attached as Exhibit 4.

1. Quoting from page 35, the last paragraph, and continuing at the top of page 36:

"While my above description contains many specificities, these should not be construed as limitations on the scope of the invention, but rather as an exemplification of one preferred embodiment thereof. Many other variations are possible. For example:"

2. Continuing to quote from page 36, beginning at line 10:

"The rear plate, to which the enclosure for the micro-video, pin-holed lens camera is mounted, need not be a license plate but could be a plate with a company logo on it, or with a phrase on it, such as Drive Safely."

3. Continuing to quote from page 36, beginning at the last paragraph, at line 25:

"Accordingly, the scope of the invention should be determined not by the embodiment(s) illustrated, but by the appended claims and their legal equivalents."

4. Appellant now turns to page 14 of the specification and quotes, beginning at line 17:

"My idea is to mount this enclosure, with the micro-video, pin-holed lens camera inside, to the reverse side of a plate, such as a license plate, located at the back of a box trailer, just beneath the bed of the trailer, in perfect position for the micro-video, pin-holed lens camera to view a backing to a loading dock. A predetermined-sized hole would be put in the plate, so the pin-holed lens could see through.

"The result is concealment of the video camera at the most advantageous height off the ground."

5. The last quote will come from page 31, beginning at line 11:

"Ideally, the plate should be mounted in the middle at the rear of the motor vehicle, or trailer, which is the place where the plate, such as a license plate, is most commonly mounted just under the bed of the trailer, at the rear. Here it is protected from rain and direct sunlight. Also, its ordinary placement will not alert potential vandals that there is anything unusual, or special, about the plate."

Here is the appellant's version of claim 4:

"4. An assembly of a micro-video, pin-holed lens camera, comprising means for mounting said assembly on the reverse side of a plate, such as a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said plate,

whereby said plate-mounted assembly conceals said pin-holed lens camera to lessen the risks of vandalism,

whereby said camera is located in the ideal position at the rear of a trailer or motor vehicle for viewing a backing, when used in conjunction with a monitor.

Here is the last sentence from the quote given from the Manual of Patent Examining Procedure, Section 2173.02, on page 2100-199 (copy attached as Exhibit 3):

"The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification."

The appellant asserts that those skilled in the art would understand claim 4 when the claim is read in light of the specification.

Additional Argument

The phrase "such as a license plate" is meant to point out that "license plate" is one particular embodiment, and that the major word is "plate", that can enable other embodiments described on page 36, lines 10-13, of the specification.

The phrase, "whereby said camera is located at the ideal position at the rear of a trailer or motor vehicle for viewing a backing," refers to a position that is best, based on objective, logical criteria, which are described in the specification, page 14, beginning at line 17, and page 31, beginning at line 11.

The described criteria of the ideal position are:

- (1) "just beneath the bed of the trailer,"
- (2) "at the most advantageous height off the ground"
- (3) "Ideally, the plate should be mounted in the middle at the rear of the motor vehicle, or trailer,"
- (4) "mounted just under the bed of the trailer, at the rear. Here it is protected from rain and direct sunlight."

Further, if one were to ask those skilled in the art where the ideal position is located, the appellant asserts that they would say in the middle at the rear of a trailer, and just under the bed of the trailer.

Summary Argument

In the Amended 2nd Supplemental Appeal Brief, mailed 07/12/06, the appellant declined to accept the examiner's offer to allow claim 4 if the applicant/appellant made changes required by the examiner. These would limit the claim to a license plate.

The Examiner's Amendment, of 09/15/06, made the changes that the appellant refused to make. The changes take away the other embodiments clearly stated in the specification, page 36, lines 10-13. When the appellant loses the other embodiments, someone else can easily employ one or more of them to evade the claim.

The examiner issued three previous Office Actions, dating back to the year 2000, and never objected to the words to

which he now objects. An inference can be drawn that the words are not objectionable; otherwise, the examiner would have objected to them before 06/22/05.

WHEREFORE, the appellant very respectfully requests that the Director grant the Petition To Withdraw An Application From Issue, in accordance with 37 CFR Section 1.313(a).

Very respectfully,

Rolf Jansen

Rolf Jansen

Appellant, pro se

P.O. Box 73161

Houston, TX 77273-3161

Verification

Appellant, Rolf Jansen, pro se, hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonments or both. under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Rolf Jansen

Rolf Jansen

Appellant, pro se

Date of signature: 10/26/06

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 10/26/06

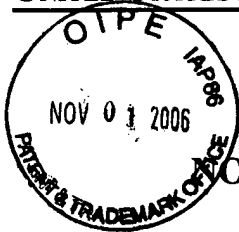
Rolf Jansen

Rolf Jansen

Appellan, pro se



UNITED STATES PATENT AND TRADEMARK OFFICE

EXHIBIT 1
6 PAGESUNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

09/15/2006

ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273

EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 09/15/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,566	01/15/1999	ROLF JANSEN		1686

TITLE OF INVENTION: TRACTOR/TRAILER BACK UP KIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$0	\$700	12/15/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON REQUEST BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

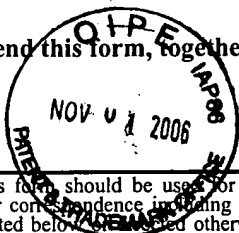
All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below. **REMARKS** otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590

09/15/2006

ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,566	01/15/1999	ROLF JANSEN		1686

TITLE OF INVENTION: TRACTOR/TRAILER BACK UP KIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$0	\$700	12/15/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
VO, TUNG T	2621	348-151000

Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

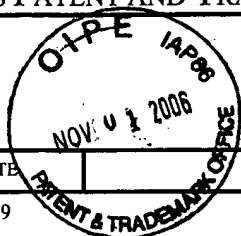
Collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,566	01/15/1999	ROLF JANSEN		1686

7590

09/15/2006

ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273

EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 09/15/2006

Determination of Patent Term Extension under 35 U.S.C. 154 (b)

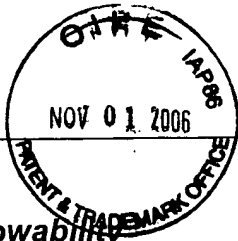
(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 982 day(s). Any patent to issue from the above-identified application will include an indication of the 982 day extension on the front page.

A Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.



Notice of Allowability

Application No.

09/232,566

Examiner

Tung Vo

Applicant(s)

JANSEN, ROLF

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the second supplemental appeal brief filed 07/17/2006.
2. ☒ The allowed claim(s) is/are 3 and 4 (which were renumbered as 1-2, respectfully).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 3, line 3, after “ side of” delete “a plate such as” and after “license plate” delete “ ,”.

line 8, after “located in” delete “the ideal” insert “a”.

2. Claims 3 and 4 allowed. Which were renumbered as 1-2, respectfully.
3. The following is an examiner's statement of reasons for allowance:

The prior art of records does not particularly teach an assembly of a camcorder-type liquid crystal display monitor, comprising means for mounting said assembly to the inner retracted side of a driver's sunvisor of a motor vehicle, whereby said sunvisor, when lowered, allows a driver easy, direct, close-range, sunlight-protected viewing of said monitor screen, as if the screen were a rear-view mirror, when used in conjunction with a video camera, to see to the rear when the unaided view is obstructed as specified in claim 3, and an assembly of a micro-video, pin-holed lens camera, comprising means for mounting said assembly on the reverse side of a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said plate, whereby said plate-mounted assembly conceals said pin-holed lens camera to lessen the risk of vandalism, whereby said camera is located in a

Art Unit: 2621


position at the rear of a trailer or motor vehicle for viewing a backing, when used in conjunction with a monitor as specified in claim 4.

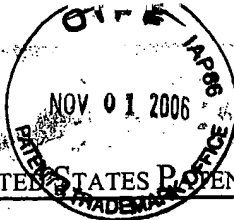
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tung Vo
Primary Examiner
Art Unit 2621



UNITED STATES PATENT AND TRADEMARK OFFICE

EXHIBIT 2

7 PAGES

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/232,566

01/15/1999

ROLF JANSEN

1686

7590

06/22/2005

ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273

EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No. 09/232,566		Applicant(s) JANSEN, ROLF	
Examiner Tung Vo		Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. In view of the newly discovered references, DE 33 16 818, US 6,259,475, and US 6,172,600, PROSECUTION IS HEREBY REOPENED.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 4, line 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 4, line 8, "the ideal position" is indefinite. It is not clear that which position of the camera is mounted. Appropriation correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans-Hellmut Ernst (DE 33 16 818) in view of Lee (US 5,680,123).

Re claim 3, Ernst teaches an assembly of a camcorder-type crystal display monitor (elements 1-8 of the figure), comprising means (element 7 of figure) for mounting said assembly (elements 1-6 and 8 of the figure) to the inner retracted side of a driver's sun-visor (see the translation of DE 33 16 818, page 4 lines 1-10) a motor vehicle, whereby said sun-visor, when lowered, allows a driver easy, direct, close-range, sunlight-protected viewing of said monitor screen (see the translation of DE 33 16 818, page 4, line 19, page 5, line 2), as if the screen were a rear-view mirror (element 2 of the figure), when used in conjunction with a video phone (element 11 of the figure). Ernst further suggests means of connecting socket (element 6 of the figure) earphones (element 9 of the figure), game-pilot lever 11 or external devices can be connected to provide video telephone signal to the display (element 2 of the figure).

It is noted that Ernst does not particularly teach the screen display, when used in conjunction with a video camera to see to the rear when unaided view is obstructed as claimed.

However, Lee teaches video cameras (62, 64, and 66 of fig. 5), a third video camera (66 of fig. 6) mounted on a rear the vehicle to view an object present in the rear region of the vehicle (C fig. 1a), wherein the rear image is transmitted to a display monitor placed in the front of the vehicle for a driver viewing (74 of fig. 5), so this suggests the screen display, when used in conjunction with a video camera to see to the rear when unaided view is obstructed.

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Therefore, taking the teachings of Ernst and Lee as a whole, it would have been obvious to one of ordinary skill in the art to modify the video cameras (62, 64, and 66 of fig. 6) of Lee into the assembly of the camcorder-type crystal display monitor of Ernst to detect and display objects not readily visible to the vehicle operator.

Doing so would allow the driver to view the hidden object captured by the camera without turning his or her head in the blind spot.

Allowable Subject Matter

7. Claim 4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

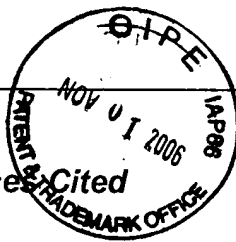
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tung Vo
Primary Examiner
Art Unit 2613


ACTING DIRECTOR
TC 2600



Notice of References Cited

Application/Control No.

09/232,566

Applicant(s)/Patent Under

Reexamination

JANSEN, ROLF

Examiner

Tung Vo

Art Unit

2613

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,259,475 B1	07-2001	Ramachandran et al.	348/148
	B	US-6,172,600 B1	01-2001	Kakinami et al.	340/435
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	DE 3316818	11-1984	GERMAN	Ernst	B60J 3/00
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph >by providing clear warning to others as to what constitutes infringement of the patent<. See, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379, 55 USPQ2d 1279, 1283 (Fed. Cir. 2000). See also *In re Larsen*, No. 01-1092 (Fed. Cir. May 9, 2001) (unpublished) (The preamble of the *Larsen* claim recited only a hanger and a loop but the body of the claim positively recited a linear member. The court observed that the totality of all the limitations of the claim and their interaction with each other must be considered to ascertain the inventor's contribution to the art. Upon review of the claim in its entirety, the court concluded that the claim at issue apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112 paragraph 2.).

>If the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 U.S.C. 112, second paragraph would be appropriate. See *Morton Int'l, Inc. v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470, 28 USPQ2d 1190, 1195 (Fed.

Cir. 1993). However, if the language used by applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the examiner should suggest improved language to the applicant.

For example, a claim recites "a suitable liquid such as the filtrate of the contaminated liquid to be filtered and solids of a filtering agent such as perlite, cellulose powder, etc." The mere use of the phrase "such as" in the claim does not by itself render the claim indefinite. Office policy is not to employ per se rules to make technical rejections. Examples of claim language which have been held to be indefinite set forth in MPEP § 2173.05(d) are fact specific and should not be applied as per se rules. The test for definiteness under 35 U.S.C. 112, second paragraph is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). If one skilled in the art is able to ascertain in the example above, the meaning of the terms "suitable liquid" and "solids of a filtering agent" in light of the specification, 35 U.S.C. 112, second paragraph is satisfied. If upon review of the claim as a whole in light of the specification, the examiner determines that a rejection under 35 U.S.C. 112, second paragraph is not appropriate in the above-noted example, but is of the opinion that the clarity and the precision of the language can be improved by the deletion of the phrase "such as" in the claim, the examiner may make such a suggestion to the applicant. If applicant does not accept the examiner's suggestion, the examiner should not pursue the issue.

If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action. If applicants traverse the rejection, with or without the submission of an amendment, and the examiner considers applicant's arguments to be persuasive, the examiner should indicate in the next Office communication that the previous rejection under 35 U.S.C. 112, second

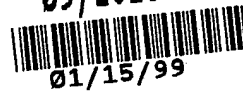
EXHIBIT 4

6 PAGES

The following received today:

Patent Application for Rolf Jansen for
"Tractor/Trailer Back-up Kit", consisting of
39 sheets specification, claims, and
abstract, declaration signed 1999 Jan.15,
5 sheets formal drawing, small entity declar-
ations (2 of them), and check nr. 978 for
\$395.00:

JC530 U.S. PTO
09/232566



In the United States Patent and Trademark Office

Box Patent Application
Assistant Commissioner for Patents
Washington, District of Columbia 20231



Mailed 199 9, Jan 15

Fee Transmittal

First-Named Applicant Rolf Jansen
Title of Invention: "Tractor/Trailer Back-up Kit"
Total Payment Enclosed (From Calculation Below): \$ 395.00 ☒ Check ☐ Money Order

Sir:

Enclosed is the following small entity filing fee for the above patent application:

Fee Code	Fee Description	Fee (\$)
214	Provisional Pat. Appn. Filing Fee	<u> </u>
201	Basic Utility Appn. Filing Fee	<u>395.00</u>
206	Basic Design Appn. Filing Fee	<u> </u>
	Subtotal (1)	<u>395.00</u>
203	Total Claims: <u> </u> - 20 = <u> </u> ; X <u> </u> (fee for each claim over 20) = <u>N/A</u>	
202	Tot. Indep. Claims <u> </u> - 3 = <u> </u> ; X <u> </u> (fee for each indep. claim over 3) = <u>N/A</u>	
	Subtotal (2)	<u> </u>
	Total Payment Enclosed [Sum of Subtotals (1) and (2)]	<u>395.00</u>

Very respectfully,

Rolf Jansen
Signature of First-Named Applicant

Rolf Jansen
Print Name of First-Named Applicant

P. O. Box 73161
Address

Houston, TX 77273



Patent Application of
Rolf Jansen
for
TRACTOR/TRAILER BACK-UP KIT

Background - Field of Invention

This invention relates to closed-circuit television, specifically to an improved means, when backing, for a driver of a tractor/trialer rig, or other motor vehicle, to see what is to the rear when the unaided view is obstructed.

Background - Cross-Reference to Related Application

This application claims the benefit of Provisional Patent Application Ser.# 60/071,830, filed January 20, 1998.

Background - Description of Prior Art

I was an adjuster for an independent claims service that specialized in on-the-scene accident investigations for motor freight lines that were self-insured; and the most common accident occurred when a tractor/trailer rig was being backed.

When the trailer is the rectangular-box type, the driver can

Conclusion, Ramifications, and Scope of Invention

My two improvements of a closed circuit television system applicable to a motor-freight tractor/trailer rig, or a motor vehicle, to see to the rear when the unaided view is obstructed, are:

1. A sunvisor-mounted case, with a window, for cradling a camcorder-type LCD monitor, to provide protection for the monitor from heat, cold, vibrations, and bright sunlight, to allow a driver easy, direct, close-range, sunlight-protected viewing of the monitor screen, as if the screen were a rear view mirror, while backing up a motor vehicle, or a tractor with attached trailer.

2. A weather-proofed enclosure for mounting on the reverse side of a plate, such as a license plate, located at the rear of a motor vehicle, or trailer, to protect a micro-video, pinholed lens camera.

These two improvements together meet a long-felt but unsolved need in the trucking industry, namely, solving the problem of "backing blind", thereby (1) avoiding costly accidents, (2) increasing efficiency of making deliveries and pickups, thus, increasing profits, (3) increasing morale of drivers, and (4) making the training of new drivers easier.

While my above description contains many specificities, these should not be construed as limitations on the scope of the invention, but rather as an exemplification of one preferred

embodiment thereof. Many other variations are possible. For example:

A case is a form of covering. A covering could be fixed to the outside of the monitor itself.

The case or covering could be made of a variety of materials that provide insulation.

Means for mounting the case to the sunvisor can vary, e.g., the shape, size, and material of the clip or clasp can vary; the clip or clasp could be attached by an adhesive backing.

The rear plate, to which the enclosure for the micro-video, pin-holed lens camera is mounted, need not be a license plate but could be a plate with a company logo on it, or with a phrase on it, such as Drive Safely.

The means for mounting the enclosure on the back side of the plate can vary, e.g., by using machine screws, and washers, rather than epoxy glue, as long as weather-proof integrity of the enclosure was maintained. (I chose to epoxy glue the enclosure to the plate so no screw heads and washers would show on the front side of the plate, to add to concealment.)

The pane that attaches to the front face of the enclosure could be made of another material besides LEXAN XL. The dimensions of the pane could vary.

Also the dimensions, material, and color of the enclosure could vary.

Accordingly, the scope of the invention should be determined not by the embodiment(s) illustrated, but by the appended claims and their legal equivalents.

manufactured by Pioneer, Seoul, South Korea.

A typical micro-video, pin-holed lens camera is commercially available as a circuit board, having dimensions of 1.5" x 1.5" x .75" in depth, and weighing 1 oz. The image is—B & W. The minimum illumination is 0.5 LUX, F1.8. It has a field of view of 90 degrees. Power consumption is DC 8-15V, 150 mA. Resolution is 380 TV lines.

Putting such a small circuit board camera in an enclosure is essential. PacTec, of Concordville, PA, sells a suitable heavy-duty, plastic enclosure. The outer dimensions are 2-3/8" x 2-1/4" x 1". A hole is cut in the front of the enclosure to fit the 5/8" metal housing of the pin hole lens. A second hole is cut into the enclosure as an exit for the power and video cables that attach to the circuit board. A stress-relief device is inserted in this hole to protect the cables and ensure a weather-proofed exit.

My idea is to mount this enclosure, with the micro-video, pin-holed lens camera inside, to the the reverse side of a plate, such as a license plate, located at the back of a box trailer, just beneath the bed of the trailer, in perfect position for the micro-video, pin-holed lens camera to view a backing to a loading dock. A predetermined-sized hole would be put in the plate, so the pin-holed lens could see through.

The result is concealment of the video camera at the most advantageous height off the ground.

It is customary to surround the circuit board with an insulating material.

of the front face of the enclosure also should be coated with epoxy, being very careful that there are no gaps, in order to ensure a weather-proof seal.

When the pane-protected enclosure is ready to mount on the back side of a plate, such as a license plate, that has the appropriate hole drilled in it, care must be taken to center the pin hole lens in the center of the hole in the plate, to allow maximum view of view; and care must be taken to epoxy glue securely the glass-like front surface of the enclosure to the back of the metal plate.

Ideally, the plate should be mounted in the middle at the rear of the motor vehicle, or trailer, which is the place where the plate, such as license plate, is most commonly mounted. On a motor-freight trailer, the license plate is mounted just under the bed of the trailer, at the rear. Here it is protected from rain and direct sunlight. Also, its ordinary placement will not alert potential vandals that there is anything unusual, or special, about the plate.

Next is to provide a power supply to the micro-video, pin-holed lens camera:

The power cable lead exiting the top of the enclosure is spliced to a two-conductor cable, of 18 gauge stranded conductors, color coded red and black for easy hookup.

A tap-in connection is made to the back-up light, either left or right.

The positive wire of the power supply for the back-up light is usually purple in color. The owner's handbook for the

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